



January 30, 2004

## SENATE BILL No. 434

DIGEST OF SB 434 (Updated January 27, 2004 12:38 pm - DI 110)

**Citations Affected:** IC 36-7; noncode.

**Synopsis:** Professional sports development areas. Allows the city of Richmond to adopt a resolution to establish a professional sports and convention development area before January 1, 2005. (Current law provides that a second class city that seeks to establish a professional sports and convention development area must have adopted a resolution before July 1, 2003.)

**Effective:** Upon passage.

**Paul**

January 12, 2004, read first time and referred to Committee on Commerce and Consumer Affairs.  
January 29, 2004, amended, reported favorably — Do Pass.

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SB 434—LS 7237/DI 101+



January 30, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## SENATE BILL No. 434

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 36-7-31.3-9, AS AMENDED BY P.L.178-2002,  
2       SECTION 127, IS AMENDED TO READ AS FOLLOWS  
3       [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) A tax area must be  
4       initially established by resolution:

5               (1) except as provided in ~~subdivision~~ **subdivisions (2) and (3)**,  
6               before July 1, 1999; ~~or~~

7               (2) **except as provided in subdivision (3)**, in the case of a second  
8               class city, before July 1, 2003; **or**

9               (3) **for the city of Richmond, before January 1, 2005;**  
10       according to the procedures set forth for the establishment of an  
11       economic development area under IC 36-7-14. A tax area may be  
12       changed or the terms governing the tax area revised in the same manner  
13       as the establishment of the initial tax area. Only one (1) tax area may  
14       be created in each county.

15       (b) In establishing the tax area, the designating body must make the  
16       following findings instead of the findings required for the  
17       establishment of economic development areas:

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- (1) Except for a tax area in a city having a population of:
- (A) more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000); or
  - (B) more than ninety thousand (90,000) but less than one hundred five thousand (105,000);
- there is a capital improvement that will be undertaken or has been undertaken in the tax area for a facility that is used by a professional sports franchise for practice or competitive sporting events. A tax area to which this subdivision applies may also include a capital improvement that will be undertaken or has been undertaken in the tax area for a facility that is used for any purpose specified in section 8(a)(2) of this chapter.
- (2) For a tax area in a city having a population of more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000), there is a capital improvement that will be undertaken or has been undertaken in the tax area for a facility that is used for any purpose specified in section 8(a) of this chapter.
- (3) For a tax area in a city having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000), there is a capital improvement that will be undertaken or has been undertaken in the tax area for a facility that is used for any purpose specified in section 8(a)(2) of this chapter.
- (4) The capital improvement that will be undertaken or that has been undertaken in the tax area will benefit the public health and welfare and will be of public utility and benefit.
- (5) The capital improvement that will be undertaken or that has been undertaken in the tax area will protect or increase state and local tax bases and tax revenues.

(c) The tax area established under this chapter is a special taxing district authorized by the general assembly to enable the designating body to provide special benefits to taxpayers in the tax area by promoting economic development that is of public use and benefit.

**SECTION 2. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "tax area" has the meaning set forth in IC 36-7-31.3-6.**

**(b) The general assembly finds that there is a greater likelihood of success in achieving professional sports economic development if the local jurisdiction has sufficient population to support a professional sports franchise as evidenced by consistent attendance at the facility before the extension of the tax benefit. In this act, the general assembly extends the time frame for establishing a tax area to the city of Richmond based on the general assembly's**

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1 determination that the city's success in collecting retail taxes  
2 associated with the sporting event attendance will provide a solid  
3 foundation to increased taxes in support of the tax area.  
4 (c) This SECTION expires January 1, 2006.  
5 SECTION 3. An emergency is declared for this act.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Consumer Affairs, to which was referred Senate Bill No. 434, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 5, strike "subdivision" and insert "**subdivisions**".

Page 1, line 5, after "(2)" delete "," and insert "**and (3),**".

Page 1, line 5, strike "or".

Page 1, line 6, after "(2)" insert "**except as provided in subdivision (3),**".

Page 1, line 6, reset in roman "July 1, 2003;".

Page 1, line 7, delete "**January 1, 2005;**" and insert "**or**".

Page 1, between lines 7 and 8, begin a new line block indented and insert:

**"(3) for the city of Richmond, before January 1, 2005;".**

Page 2, between lines 31 and 32, begin a new paragraph and insert:

**"SECTION 2. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "tax area" has the meaning set forth in IC 36-7-31.3-6.**

**(b) The general assembly finds that there is a greater likelihood of success in achieving professional sports economic development if the local jurisdiction has sufficient population to support a professional sports franchise as evidenced by consistent attendance at the facility before the extension of the tax benefit. In this act, the general assembly extends the time frame for establishing a tax area to the city of Richmond based on the general assembly's determination that the city's success in collecting retail taxes associated with the sporting event attendance will provide a solid foundation to increased taxes in support of the tax area.**

**(c) This SECTION expires January 1, 2006."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 434 as introduced.)

SERVER, Chairperson

Committee Vote: Yeas 8, Nays 0.

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